

Committee on Resources

Subcommittee on National Parks and Public Lands

Testimony

Statement of Tamar Osterman
Director of Policy Research
National Trust for Historic Preservation
on H.R. 834
before the Subcommittee on National Parks and Public Lands
House Resources Committee
April 15, 1999

Mr. Chairman, members of the Subcommittee, it is a pleasure to appear before you to testify regarding H.R. 834, legislation to extend the authorization of deposits to the Historic Preservation Fund, and for other purposes.

The National Trust for Historic Preservation is a non-profit organization with more than 270,000 members, chartered by Congress to promote public participation and education in historic preservation and to engage the private sector in preserving our nation's heritage. As the leader of the national historic preservation movement, the National Trust is committed to saving America's diverse historic places and to preserving and revitalizing communities nationwide.

Congress established the Historic Preservation Fund (HPF) under the National Historic Preservation Act of 1966. The Historic Preservation Fund is capitalized by royalties paid to the federal government from Outer Continental Shelf oil drilling leases. Approximately \$150 million flows into the Fund every year. Historically, Congress has appropriated a fraction of this amount--almost \$41 million in Fiscal Year 1998--through the National Park Service. In Fiscal Year 1999, this amount was increased to \$72 million for the first year of the Save America's Treasures program. Annual appropriations from the HPF provide key support to the preservation activities of the state historic preservation offices, Indian tribes and Native Hawai'ian organizations, and historically black colleges and universities. Authorization for funding from the HPF to each of these entities is provided in the National Historic Preservation Act.

The National Trust strongly endorses extending to 2005 the reauthorization of deposits to the Historic Preservation Fund. HPF dollars help achieve the Congressionally-mandated objective of preserving our Nation's invaluable historic and cultural heritage for the education, benefit, and use of present and future generations. The States, Tribes, and Certified Local Governments utilize this funding to achieve the responsibilities with which they are charged in the National Historic Preservation Act. Through these activities, federal funding for historic preservation not only preserves our nation's historical legacy but also creates jobs, promotes local economic development, and produces much larger financial commitments from private sources as well as other public sources.

The reauthorization of the Historic Preservation Fund is a legislative priority for the National Trust and therefore we enthusiastically support H.R. 834 for proposing to accomplish this end. We commend and thank Congressman Hefley for his support for historic preservation and the Historic Preservation Fund.

I want to take this opportunity to elaborate upon two other provisions of H.R. 834 that are of particular interest to the National Trust. H.R. 834 would provide statutory support to Executive Order 13006, signed by President Clinton in 1996, which calls on the General Services Administration and other federal agencies to first consider historic districts and historic buildings in downtown areas when selecting sites for federal facilities. Historic preservation often involves real estate activity, and historic buildings must be used in order to be preserved. Directing the federal government's considerable property acquisition and leasing requirements toward historic resources will significantly assist in that effort. In addition, by locating federal facilities in historic downtown areas, the federal government will be assisting local economic revitalization efforts and will save taxpayer dollars on land use and infrastructure development.

The National Trust was an early advocate for this executive order, and we are presently working closely with the General Services Administration on its implementation. We believe that codifying this executive order in law will significantly assist in that effort. Making Executive Order 13006 a part of the National Historic Preservation Act will hold federal agencies accountable to law, and will improve its chances for broad implementation.

Moreover, amending Section 110 of the National Historic Preservation Act to incorporate portions of Executive Order 13006 could help improve the federal land managing agencies' implementation of that portion of the Act, which details federal agencies' responsibility to preserve and use historic buildings. Over the last several years, the National Trust has become increasingly engaged in the issues surrounding the federal government's stewardship of its historic resources, broadening this interest beyond the traditional purview of the historic resources managed as national park units. We have discovered, regrettably, that although good management of historic resources rarely conflicts with agency missions and responsibilities, in far too many cases there is missing a broad commitment to fulfillment of Section 110 requirements.

We believe that federal agencies, particularly the Department of Defense, the Department of the Interior, and the General Services Administration, which control a great deal of historic lands and resources, need to be held accountable to their Section 110 responsibilities. We will continue to work with our preservation partners, and with federal agencies to better achieve this goal. We commend this Committee, as the committee of jurisdiction for historic resources, for taking an active interest in this matter, first with the passage of H.R. 1522, and now with consideration of H.R. 834. We urge that appropriate provisions of Executive Order 13006 be incorporated into law, as proposed in H.R. 1522 and H.R. 834.

The National Trust also strongly supports Section 1 (3) in H.R. 834. This provision would amend Section 107 of the National Historic Preservation Act, which exempts the White House and its grounds, the Supreme Court building and its grounds, and the United States Capitol and its related buildings and grounds from the Act. Our most recent experience with Section 107 comes from our involvement in 1996 with the Stanton Park Neighborhood Association, and other District of Columbia preservation partners, as well as Delegate Eleanor Holmes Norton and other members of Congress, in an effort to oppose demolition of a contributing 19th century rowhouse in the Capitol Hill Historic District owned by the legislative branch. The demolition had been ordered by the then-Architect of the Capitol in order that a new building could be constructed to house the Senate day care facility, a privately-operated enterprise.

This property, which has since been demolished, was located in the middle of a commercial and residential neighborhood several blocks from the Capitol grounds. We believe that this demolition was an unreasonable interpretation of the Section 107 exemption and was inconsistent with the legislative history of the National Historic Preservation Act. When the House of Representatives passed the NHPA in 1966, the House

Committee on Interior and Insular Affairs included report language that specifically defined the intent of Congress in granting the Section 107 exemption, by specifying that this exemption be for "principal buildings and grounds." ("House Interior and Insular Affairs Committee, House Report 1916, August 30, 1966, to accompany S. 3035.")

H.R. 834 proposes to limit the Section 107 exemption to the White House and its grounds, the Supreme Court building and its grounds, or the United States Capitol and its related buildings and grounds, with a relevant cartographic citation. The National Trust supports this provision as an appropriate enumeration of the Architect of the Capitol's jurisdiction with regard to Section 107 and as consistent with the legislative history of the National Historic Preservation Act of 1966 and Congressional intent.

Mr. Chairman, this concludes my prepared testimony on H.R. 834. The National Trust enthusiastically supports this legislation, and I thank you for the opportunity to testify before this subcommittee.

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